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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,796	06/27/2003	Mathias Bieringer	10191/3180	6870
26646	7590	11/23/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			KASENGE, CHARLES R	
		ART UNIT		PAPER NUMBER
		2125		
DATE MAILED: 11/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/608,796	BIERINGER, MATHIAS
	Examiner	Art Unit
	Charles R. Kasenga	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 September 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/12/05 have been fully considered but they are not persuasive. The Office reasserts that Bernaden, III discloses "controlling the execution of the computer program [having multitasking capability] in such a way that the system is transitioned...only when all of the transition conditions...have been fulfilled." Bernaden states: "The state machine controller utilizes a memory to store data defining conditions for transition between the operational states wherein the state machine controller changes from one operational state to another in response to occurrence of conditions defined by the data (col. 2, lines 60-65)." The Office contends that the aforementioned statement implicitly teaches to change the operational state only when all the conditions for transition have been fulfilled.

The Office also reasserts that Bernaden discloses the computer program having multitasking capability, control thereof, or an arrangement for controlling execution thereof (col. 3 and 4, lines 64-67 and 1-29). Multitasking is merely the ability for a program to perform functions at the same time or appearing to be at the same time. The Office interprets Bernaden's program to be receiving inputs from the plurality of sensors at the same time (or substantially the same time), which gives it the multitasking functionality.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernaden et al. U.S. Patent 6,219,590. Referring to claims 1, 15, 17 and 20, Bernaden discloses a method for controlling an execution of a computer program having multitasking capability on a computing element of a controller at least one of controlling and regulating a system that is able to assume various possible system states (col. 2, lines 49-50), comprising: defining transition conditions for each possible transition of one of the system states into another of the system states (col. 2, lines 60-62); and controlling the execution of the computer program in such a way that the system is transitioned from a first system state into a second system state only when all of the transition conditions defined for the transition have been fulfilled (col. 2, lines 63-65).

Referring to claims 2-4, 18, and 19, Bernaden discloses the method according to claim 1, wherein the computing element is a microprocessor (col. 3, lines 64-67). Bernaden discloses the method as recited in claim 1, wherein each one of the transition conditions includes at least one transition interrogation and at least one corresponding transition value as a response given to the transition interrogation, the one of the transition conditions being regarded as having been fulfilled when the transition value is returned as the response to the transition interrogation (col. 5, lines 39-51). Bernaden discloses the method as recited in claim 3, further comprising: filing the transition values in a transition table (col. 4, lines 5-23). Bernaden discloses the method as recited in claim 1, wherein the computer program is subdivided into a plurality of functionally linked functionalities, and wherein the method further comprises: allocating specifiable operating states to the functionalities for each of the system states, the transition conditions being satisfied

if at least the functionalities which characterize the second system state have the operating states allocated to them for the second system state (col. 2, lines 60-65).

Referring to claims 6-9, Bernaden discloses the method as recited in claim 5, wherein each of the operating states is defined by an operating state variable which is able to take on various operating state values, and wherein the transition conditions are satisfied if at least the operating state variables of the functionalities which characterize the second system state have the operating state values defined for them for the second system state (col. 10, lines 3-13).

Bernaden discloses the method as recited in claim 5, wherein the operating state variable is able to take on operating state values corresponding to the settings "full functionality", "limited functionality" and "no functionality" (col. 6 and 7, lines 61-67 and 1-27). Bernaden discloses the method as recited in claim 5, further comprising: assigning a transition table to each of the functionalities (col. 4, lines 5-23). Bernaden discloses the method as recited in claim 5, wherein a plurality of functionalities are combined into a component and a transition table is assigned to the component (col. 7, lines 19-24).

Referring to claims 10-12, Bernaden implicitly discloses the method as recited in claim 1, wherein the system is a system in a motor vehicle, wherein in the system is a driving dynamics system (col. 1, lines 7-10). Bernaden implicitly discloses this since HVAC systems are commonly known to be used in motor vehicles. Referring to claims 13 and 14, Bernaden discloses the method as recited in claim 1, wherein the system is a system in a building (col. 2, lines 39-51). Bernaden discloses the method as recited in claim 13, wherein the system is at least one of an alarm system (col. 8, lines 16-24), a heating and air conditioning system, and an access control system in the building (col. 2, lines 39-51).

Referring to claims 21-25, Bernaden discloses the method as recited in claim 1, wherein an availability of at least one input variable required for performance by the computer program of at least one task is dependent on performance by the computer program of at least one other task, and wherein satisfaction of at least one of the transition conditions is dependent upon the availability of the at least one input variable for the performance of the at least one task (col. 2, lines 60-65; col. 3 and 4, lines 64-67 and 1-23). The task of receiving inputs is interpreted as the “other task” and the change of state is the dependent task. Bernaden discloses the method as recited in claim 21, wherein a frequency of performance of the at least one task and a frequency of performance of the at least one other task differ (col. 2, lines 60-65). Bernaden discloses the method as recited in claim 4, wherein the transition table is a knowledge database stored on a storage element (col. 2, lines 58-65; col. 4, lines 15-18).

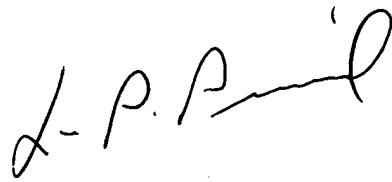
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
November 16, 2005



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100